

Message Text

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C O N F I D E N T I A L STATE 285840

EXDIS FOR AMBASSADOR FROM ATHERTON

E.O. 11652:GDS

TAGS:PFOR, PINT, IS, UR, US

SUBJECT:TRIAL OF JEWISH DEFENSE LEAGUE LEADER WILLIAM PERL

1. MONROE LEIGH, JACK ARMITAGE, AND I REVIEWED THE PERL
TRIAL IN DEPTH TODAY WITH THE RESPONSIBLE JUSTICE DEPART-
MENT OFFICER (SUMMARY BY SEPTTEL) AND CAME TO THE FOLLOWING
CONCLUSIONS:

A. THE USG IN ALL LIKELIHOOD WILL LOSE ITS CASE UNLESS THE
ISRAELIS WAIVE THE IMMUNITY OF THE CHIEF SECURITY OFFICER
OF THE ISRAELI EMBASSY IN WASHINGTON, AHARON TAMIR, AND
INSTRUCT HIM TO PROVIDE EVIDENCE. HIS EVIDENCE WILL HAVE
TO BE PROVIDED ON MONDAY, NOVEMBER 22, IF IT IS TO HAVE ANY
EFFECT;

B. IN LIGHT OF THE FACT THAT ISRAEL UNDOUBTEDLY HAS FOLLOW-
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ED THE TRIAL CLOSELY BECAUSE OF ITS HIGH SENSITIVITY IN THE

ISRAELI DOMESTIC POLITICAL CONTEXT, AS WELL AS IN ITS ISRAELI/AMERICAN JEWRY ASPECT, AND CONSIDERING THAT THE ISRAELI EMBASSY HAS INFORMALLY TOLD US THAT THE DECISION LAST SUMMER TO HAVE TAMIR COOPERATE WITH THE FBI IN THE INITIAL PHASE OF THIS CASE WAS CHECKED OUT WITH RABIN, RABIN HIMSELF WILL PROBABLY HAVE TO MAKE THE DECISION THAT TAMIR IS TO FURNISH EVIDENCE;

C. THE REPUTATION OF THE GOVERNMENT OF ISRAEL IS ALREADY ENGAGED IN THIS CASE--PROBABLY MORE SO THAN JERUSALEM APPRECIATES--IN THAT EVIDENCE HAS BEEN INTRODUCED IMPLYING THAT ISRAELI INTELLIGENCE AGENTS ENCOURAGED PERL'S PLOT TO HAVE SHOTS FIRED INTO THE APARTMENTS OF TWO SOVIET DIPLOMATS IN WASHINGTON, PLUS THE FACT IT IS ABUNDANTLY CLEAR IN THE TRIAL THAT THE USG PRESENTATION IS BADLY HANDICAPPED BECAUSE OF THE ABSENCE OF TESTIMONY FROM TAMIR;

D. THE SOVIETS ARE WATCHING WHAT HAPPENS IN THIS CASE, AND AN ACQUITTAL WOULD UNDERMINE OUR EFFORTS TO NEUTRALIZE THIS DISRUPTIVE ELEMENT IN U.S.-SOVIET RELATIONS, SINCE THE SOVIETS ARE UNLIKELY TO BE IMPRESSED BY THE EXTENSIVE EFFORTS OF THE JUSTICE DEPARTMENT TO BRING JDL PERPETRATORS OF ANTI-SOVIET VIOLENCE TO TRIAL UNLESS THE PERPETRATORS ARE ACTUALLY CONVICTED AND SENT TO JAIL.

2. THEREFORE, YOU SHOULD BRING THE PERL CASE AND THE NEED FOR TESTIMONY BY TAMIR TO RABIN'S URGENT ATTENTION AT YOUR MEETING WITH HIM SUNDAY. ALTHOUGH RABIN PROBABLY HAS BACKGROUND ON THE CASE, YOU WILL NEED TO MAKE SURE HE UNDERSTANDS THAT THE TAMIR TESTIMONY IS INDISPENSABLE FOR THE PROSECUTION, THAT A FAILURE TO PROVIDE IT COULD HELP FOSTER AN IMPRESSION OF ISRAELI GOVERNMENT APPROVAL OF JDL VIOLENT ACTS AGAINST SOVIET DIPLOMATS AND THEIR FAMILIES IN THIS COUNTRY, AND THAT THE TRIAL, WHICH WILL PROBABLY GO TO JURY ON TUESDAY, IS STARTING TO ATTRACT PRESS ATTENTION HERE AND WE HAVE NO WAY TO PREDICT HOW THE PRESS WILL PLAY IT.

3. HERE IS THE BACKGROUND. LAST SPRING DR. WILLIAM
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PERL, JDL LEADER IN THE WASHINGTON-BALTIMORE AREA, WAS CHARGED WITH HAVING PLOTTED WITH REUVEN LEVTOV, FORMER DRIVER OF THE ISRAELI EMBASSY IN WASHINGTON AND NOW AN EX-ISRAELI U.S. CITIZEN, TO HAVE THE LATTER FIRE SHOTS INTO THE HYATTSVILLE, MD. APARTMENTS OF TWO SOVIET EMBASSY SECOND SECRETARIES. PERL FURNISHED THE WEAPON TO LEVTOV. LEVTOV BECAME UNEASY, WENT TO THE ISRAELI EMBASSY FOR ADVICE, AND WAS TOLD BY AN EMBASSY SECURITY

OFFICER HE SHOULD DISCUSS HIS INTENDED ACTION WITH THE FBI. THE NEXT DAY TAMIR PERSONALLY WENT TO THE FBI WASHINGTON FIELD OFFICE AND DISCUSSED THE CASE WITH THE DEPUTY SPECIAL AGENT IN CHARGE, IN THE INTERESTS OF SEEING THE DANGEROUS INTENDED HARASSMENT OF THE TWO SOVIET RESIDENCES PREVENTED.

4. LEVTOV THEN AGREED TO COOPERATE WITH THE FBI AND FOLLOWED THROUGH WITH THE PLOT, BUT FIRED BLANKS RATHER

THAN BULLETS. WHEN PERL WAS INDICTED IN JUNE, HIS COUNSEL CLAIMED THAT (A) LEVTOV HAD BEEN THE ORGANIZER AND HAD REPRESENTED HIMSELF TO PERL AS AN ISRAELI INTELLIGENCE AGENT, AND (B) LEVTOV IN FACT WAS AN FBI-UNDERCOVER AGENT AND THE WHOLE MATTER WAS AN FBI ATTEMPT TO ENTRAP PERL.

5. MOREOVER, IN THE TRIAL WHICH BEGAN NOVEMBER 15 THE JUDGE, OVER THE STRENUOUS OBJECTION OF THE PROSECUTION, ADMITTED HEARSAY TESTIMONY AS TO A CONVERSATION IN THE ISRAELI EMBASSY BETWEEN TAMIR AND A PRIVATE DETECTIVE HIRED BY THE DEFENSE. THE DETECTIVE WAS PERMITTED TO TESTIFY IN OPEN COURT THAT TAMIR TOLD HIM THAT HE (TAMIR) KNEW NOTHING ABOUT LEVTOV. THE DEFENSE IS NOW USING THIS HEARSAY TESTIMONY TO ARGUE THAT (A) THE ISRAELI EMBASSY IS COVERING FOR LEVTOV OR (B) THE ISRAELI EMBASSY NEVER DIRECTED LEVTOV TO GO TO THE FBI. EITHER WAY, THESE HEARSAY STATEMENTS ATTRIBUTED TO AN ISRAELI OFFICIAL (TAMIR) WILL, IF LEFT UNCORRECTED, HAVE A PROFOUND EFFECT ON THE TRIAL. THE DEFENSE HAS ALSO BROUGHT OUT IN THE TRIAL THAT LEVTOV CALLED PERL'S ATTORNEY ON THE EVE OF THE TRIAL TO SAY HE HAD JUST RECEIVED AN ANONYMOUS TELEPHONE CALL FROM ISRAEL, FROM AN INDIVIDUAL CALLING HIMSELF AN ISRAELI INTELLIGENCE AGENT, WHO ALLEGEDLY TOLD LEVTOV, "WE DO NOT WANT PERL CONFIDENTIAL

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TO GO TO JAIL".

6. YOU THUS SHOULD EXPLAIN TO RABIN THAT AN ALLEGED STATEMENT ATTRIBUTED TO THE CHIEF SECURITY OFFICER OF THE ISRAELI EMBASSY HERE DENYING ANY KNOWLEDGE OF LEVTOV HAS ALREADY BEEN INCORPORATED INTO THE TRIAL RECORD, MEANING THAT THE ISRAELI GOVERNMENT IS ALREADY INVOLVED IN THE PROCEEDING DESPITE ITS WISHES, AND THAT THIS PIECE OF EVIDENCE IS THE ONE WHICH SERIOUSLY UNDERMINES THE CASE OF THE USG. IF THE PROSECUTION BY INTRODUCING ACCURATE TESTIMONY BY TAMIR CAN SHOW THAT LEVTOV WAS DIRECTED TO THE FBI BY THE ISRAELI EMBASSY--AND AT A POINT IN TIME AFTER THE PERL-LEVTOV PLOT HAD BEEN HATCHED AND WAS ON THE VERGE OF EXECUTION--THE ALLEGATION THAT PERL IS A VICTIM OF FBI ENTRAPMENT CAN BE COUNTERED.

7. YOU SHOULD ALSO EMPHASIZE TO RABIN THAT THE U.S. VIEWS THIS CASE WITH THE UTMOST SERIOUSNESS BECAUSE IT GOES TO THE HEART OF THE PROBLEM OF AFFORDING THE NECESSARY SECURITY TO INTERNATIONALLY PROTECTED PERSONS. WE WOULD THEREFORE APPEAL TO RABIN ON THESE AS WELL AS THE OTHER GROUNDS DESCRIBED ABOVE TO ISSUE INSTRUCTIONS IMMEDIATELY FOR AN EXCEPTION TO BE MADE IN THIS INSTANCE AND FOR TAMIR TO PROVIDE THE EVIDENCE NECESSARY FOR JUSTICE TO BE CARRIED OUT. YOU SHOULD ALSO STRESS TO RABIN THAT, IN THE ABSENCE OF TESTIMONY BY TAMIR, THE TRIAL RECORD WILL LEAVE THE

CLEAR IMPRESSION (FROM PERL'S TESTIMONY AMONG OTHER THINGS) THAT LEVTOV WAS ACTING ON BEHALF OF ISRAELI INTELLIGENCE IN INSTIGATING PERL TO COLLUDE IN JDL VIOLENCE AGAINST SOVIET DIPLOMATIC PERSONNEL. (THE ISRAELIS HAVE TOLD US HERE, IN RESPONSE TO AN EARLIER REQUEST FOR WAIVER OF TAMIR'S IMMUNITY, THAT THEY DO NOT WANT TO REVEAL IDENTITY OF THE EMBASSY SECURITY OFFICER, BUT THE FACT IS THAT HE HAS ALREADY BEEN SO IDENTIFIED IN TESTIMONY BY OTHERS IN THE TRIAL.)

8. WE ARE ALERTING THE ISRAELI EMBASSY HERE TO THE FACT YOU WILL BE RAISING THIS MATTER WITH RABIN AND ARE PROVIDING THE EMBASSY WITH THE SUBSTANCE OF OUR CONCERNS. KISSINGER

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